

June 2010

Dear School District Administrator:

Earlier this school year, we wrote to you regarding inquiries we had received related to non-traditional education delivery approaches that were being implemented and considered by school districts and state statutes related to counting students for state general aid and revenue limits.

As you know, we also asked you to participate in a statewide survey related to this issue and obtained information regarding the number of students who receive some portion of their education off-site. Upon review of this information and continuing inquiries, we want to provide you with the following guidance related to this topic for the 2010-11 school year.

1. State law (state standard "a") requires **all** public school students to be taught by a Wisconsin-licensed teacher, unless a specific exception applies. In addition, all teachers must be reported on the PI-1202 Fall Staff Report. If a district does not comply with this requirement, the district's total state general aid can be reduced by up to 25% under s. 121.02 (3). In addition, state law prohibits our department from paying state general aid to school districts that do not "Employ teachers qualified under s. 118.19." under s. 121.006 (2)(b).
2. State law (state standard "f") also requires districts to provide a minimum number of hours of direct student instruction. Such direct student instruction must be delivered by a properly licensed teacher. If a district is not providing the required number of hours of direct student instruction, the district's total state general aid can be reduced by up to 25% under s. 121.02 (3). Charter schools are exempted from this requirement.
3. State law requires that all curricular modifications follow procedures listed under s. 118.15 (1)(d). Flexibility in this area is allowed only as defined under state law.
4. State law limits virtual education through open enrollment to that provided through a virtual charter school. The state legislature (2007 Wisconsin Act 222) spoke to how virtual education may be delivered through the use of open enrollment. Virtual education through open enrollment is limited to virtual charter schools. In part, this is because a school (whether charter or not) must be located in the authorizing school district and an open enrolled student must attend "in" that school district. The only exception to this requirement is for virtual charter schools. Act 222 also limited the number of students that may attend virtual charter schools under open enrollment.

Thus, open enrolled students who do not physically attend a school within the boundaries of the nonresident school district (with the exception of those enrolled in a virtual charter school) do not meet the statutory open enrollment requirements and are not eligible for

open enrollment. Therefore, resident districts may not count such students in their membership for state general aid and revenue limit purposes and non-resident districts may not receive open enrollment payments on their behalf.

5. State law does not permit a school district to recoup money from a parent or to charge a parent if a child fails a class **except for youth options under s. 118.55 (7t)(c)**.
6. Finally, as we have previously stated, state law does not permit school districts to make payments to parents in lieu of, or in addition to, providing a free, public education. Prohibited payments include school districts reimbursing a parent for purchasing an online curriculum, electronic devices, and books.

Beginning in the 2010-11 school year the department will disallow students from school districts' membership calculations for state aid and revenue limit purposes where necessary, including for open enrollment students.

In addition to the above guidelines, all school districts are required to meet the "twenty standards" requirements in s. 121.02 (1) and Wis. Admin. Code PI 8. Further, all school laws apply to every school district and its non-charter schools. Failure to meet any of the "twenty standards" may result in a finding of noncompliance and withholding of state general aid. Failure to comply with other school laws have additional consequences unique to those specific requirements.

Should you have any immediate questions related to school finance, please contact Jerry Landmark, School Financial Services Team Director, by telephone at (608) 267-9209, or by e-mail at jerome.landmark@dpi.wi.gov. If you have questions related to open enrollment, please contact Bob Soldner, School Management Services Team Director, by telephone at (608) 266-7475, or by e-mail at robert.soldner@dpi.wi.gov. If you have questions related to teacher licensing requirements, please contact Julie Brilli, Teacher Education, Professional Development and Licensing Team Director, by telephone at (608) 266-0986, or by e-mail at julie.brilli@dpi.wi.gov.

I hope this information is helpful to you.

Sincerely,



Brian Pahnke

Assistant State Superintendent for Finance and Management